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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,511	02/18/2004	David F. Gainer	50037.241US01	4723

				EXAMINER
27488	7590	08/18/2006		LU, KUEN S

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ART UNIT	PAPER NUMBER
2167	

DATE MAILED: 08/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/782,511	GAINER ET AL.
	Examiner	Art Unit	
	Kuen S. Lu	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 February 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *11/01/2004*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1. The Action is responsive to Applicant's Application filed February 18, 2004. Claims

1-21 are pending.

Information Disclosure Statement

2. Information Disclosure Statements filed November 1, 2004 is considered and

corresponding PTO-1449 is electronically signed and attached. Noted is the Information

Disclosure Statements filed June 9, 2006 which urged previously filed Information

Disclosure Statements be considered. Examiner did as the PTO-1449 filed 11/1/2004

signed and attached.

Drawings

3. The drawings, filed February 18, 2004, are considered in compliance with 37 CFR

1.81 and accepted.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. § 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4.1.   As set forth in MPEP 2106 (II) (A):

The claimed invention as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." State Street, 149 F.3d at 1373, 47 USPQ2d at 1601-02. The purpose of this requirement is to limit patent protection to inventions that possess a certain level of "real world" value, as opposed to subject matter that represents nothing more than an idea or concept, or is simply a starting point for future investigation or research (Brenner v. Manson, 383 U.S. 519, 528-36, 148 USPQ 689, 693-96); In re Ziegler, 992, F.2d 1197, 1200-03, 26 USPQ2d 1600, 1603-06 (Fed. Cir. 1993)). Accordingly, a complete disclosure should contain some indication of the practical application for the claimed invention, i.e., why the applicant believes the claimed invention is useful.

Apart from the utility requirement of 35 U.S.C. 101, usefulness under the patent eligibility standard requires significant functionality to be present to satisfy the useful result aspect of the practical application

requirement. See Arrhythmia, 958 F.2d at 1057, 22 USPQ2d at 1036. Merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make the invention eligible for patenting. For example, a claim directed to a word processing file stored on a disk may satisfy the utility requirement of 35 U.S.C. 101 since the information stored may have some "real world" value. However, the mere fact that the claim may satisfy the utility requirement of 35 U.S.C. 101 does not mean that a useful result is achieved under the practical application requirement. The claimed invention as a whole must produce a "useful, concrete and tangible" result to have a practical application.

4.2. Claims 1, 4 and 16-21 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

As per claim 1, the claimed invention describes **attempting to** update a data. It is noted that the step is intentional and may not actually perform to produce concrete, tangible or useful results. The steps comprised in the system are abstract because no concrete, useful or tangible result ensued. However, a tangible, concrete and useful result is required in a practical application test. The consequence is non-statutory. For further rejecting the claim under 35 USC §103, Examiner interprets "**attempting to update**" as "updating".

As per claim 16, the claimed invention represents a computer readable medium having computer executable instructions for interacting with data. However, claimed "computer-readable medium" comprises wireless telecommunication signals and carrier waves, forms of energy. As forms of energy, the signals and waves are not a matter, composition of matter or product; and do not fall within any one of categories of patentable subject matter. For further rejecting the claim under 35 USC §103, Examiner interprets "computer-readable medium" as "computer-readable storage medium".

As per claim 4, the claims inherit the deficiency of being non-statutory from claim 1, and does not remedy the deficiency individually or by inheritance. The consequence is non-statutory.

As per claims 17-21, the claims inherit the deficiency of being non-statutory from claim 16 and do not remedy the deficiency individually or by inheritance. The consequence is non-statutory.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

5.1. A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.2. Claims 1-21 are rejected under 35 U.S.C. 102(e) as anticipated by Timmons (U.S. Patent Application 2004/0205574).

As per claim 1, Timmons teaches "A method for interacting with collaboration data" (See Page 2, [0019] where a data collaboration system embodying methods for users to interact), comprising:

"accessing a web page that is associated with a collaboration service and that includes a link that is associated with collaboration data that is stored non-locally" (See Fig. 4, Pages 2 and 9, [0019] and [0101] where web page is published at the server site for user to access and load via network link);

"selecting the link on the web page" (See Fig. 4 and Page 9, [0101] where users click on different web page action icons);

"obtaining the non-local collaboration data from a non-local data store" (See Fig. 4 and Page 9, [0101] where users click on different web page action icons in mPortlets for requesting data from appliance servers to refreshing itself);

"storing the non-local collaboration data locally" (See Page 15, [0184] where a completed web application page may be saved by users and users are enabled to save the elements and place them in the project of their choice);

"interacting with the locally stored collaboration data" (See Page 15, [0183] where user interacts with project to view contents); and

"attempting to update the non-local collaboration data when a value associated with the locally stored collaboration data has been modified" (See Page 17, [0198] where contents in user's frames are dynamically updated by the message received from another frame).

As per claim 10, Timmons teaches "A system for interacting with collaboration data" (See Page 2, [0019] where a data collaboration system embodying methods for users to interact), comprising:

"a server including a network communication device coupled to a network and a data store configured to store collaboration data" (See Figs. 3F-4 and Page 8, [0086] and [0098] where appliance servers connected to network and database server is available for user portlet to retrieve data);

"a client including a display, a network communication device coupled to the network and a local data store, a browser including a web page configured to present at least one link to a user associated with the collaboration data" (See Figs. 1 and 5A, and Pages 2, 5 and 9, [0019], [0056] and [0108] where user system is linked to network and equipped with local storage, display, browser for retrieving web page), and "an application that is configured to perform actions, including: receive a selection of a link on the web page shown in the display that is associated with the collaboration data" (See Fig. 4 and Page 9, [0101] where users click on different web page action icons);

"obtain the collaboration data from the data store" (See Fig. 4 and Page 9, [0101] where users click on different web page action icons in mPortlets for requesting data from appliance servers to refreshing itself);

"store the obtained collaboration data within the local data store" (See Page 15, [0184] where a completed web application page may be saved by users and users are enabled to save the elements and place them in the project of their choice);

"interact with the locally stored collaboration data without interaction with the server" (See Page 15, [0183] where user interacts with project to view contents).

As per claim 16, Timmons teaches "A computer-readable medium having computer executable instructions for interacting with collaboration data, the instructions" (See Pages 2 and 5-6, [0017] and [0064] where a data collaboration system equipped with computer readable storage medium having instructions stored and downloadable to user systems for users to interact), comprising:

"receiving a selection of a link on a web page that is associated with collaboration data that is stored at a non-local data store" (See Fig. 4, Pages 2 and 9, [0019] and [0101] where web page is published at the server site for user to access and load via network link);

"obtaining the collaboration data from the non-local data store" (See Fig. 4 and Page 9, [0101] where users click on different web page action icons in mPortlets for requesting data from appliance servers to refreshing itself);

"storing the collaboration data locally" (See Page 15, [0184] where a completed web application page may be saved by users and users are enabled to save the elements and place them in the project of their choice); and

"interacting with the locally stored collaboration data without accessing the non-local collaboration data" (See Page 15, [0183] where user interacts with project to view contents).

As per claim 2, Timmons teaches "interacting with the locally stored collaboration data, further comprises displaying the locally stored collaboration data within a

spreadsheet control to a user" (See Page 7, [0082] where user's portlet receives data from Excel spreadsheet).

As per claim 3, Timmons teaches "wherein interacting with the locally stored collaboration data, further comprises allowing bulk operations to be performed on records of the locally stored collaboration data" (See Page 15, [0183] where plural of elements may be selected together by highlighting a project name).

As per claim 4, Timmons teaches "The method of Claim 1, wherein attempting to update the non-local collaboration data, further comprises allowing the user to keep interacting with the locally stored collaboration data during the attempt to update" (See Page 17, [0198] where user exchange data in a portlet while sharing or updating data in other message portlets).

As per claim 5, Timmons teaches "wherein interacting with the locally stored collaboration data, further comprises performing at least one of the following operations, including sorting, filtering, scrolling, pasting, and changing the locally stored collaboration data" (See Page 17, [0198] where user exchange data in a portlet while sharing or updating data in other message portlets).

As per claim 6, Timmons teaches "flushing the locally stored collaboration data when it is no longer being accessed" (See Page 8, [0090] where user acts to refresh portlet suggesting flushing displaying data when needed).

As per claim 7, Timmons teaches "storing the non-local collaboration data locally further comprises storing the non-local collaboration data in a cache" (See Fig. 1 and Page 15, [0184] where cache is equipped in a user system and a completed web application page may be saved by users and users are enabled to save the elements and place them in the project of their choice).

As per claim 8, Timmons teaches "performing a validation check to determine whether a modification to the locally stored collaboration data is invalid" (See Page 4, [0051] where data validation tag is available for designing XML document and further, data validation is inherent in computer data operation, for example, transmission).

As per claim 9, Timmons teaches "sending an error message to the user when the validation check determines that the modification is invalid" (See Page 8, [0095] where messages are being exchanged between portlets or window containers).

As per claim 11, Timmons teaches "a spreadsheet control that is used to display the locally stored collaboration data" (See Page 7, [0082] where user's portlet receives data from Excel spreadsheet).

As per claim 12, Timmons teaches "the application is further configured to attempt to update the collaboration data stored at the non-local data store while still allowing the user to interact with the locally stored collaboration data" (See Page 17, [0198] where user exchange data in a portlet while sharing or updating data in other message portlets).

As per claim 13, Timmons teaches "the spreadsheet control is configured to provide functionality similar to functionality within a spreadsheet program" (See Page 7, [0082] where operation is performed to match user assigned labels to anchors, such as data objects from Excel spreadsheet).

As per claim 14, Timmons teaches "the data store is flushed when the locally stored collaboration data is no longer being accessed" (See Page 8, [0090] where user acts to refresh portlet suggesting flushing displaying data when needed).

As per claim 15, Timmons teaches "the application is further configured to perform a validation check on changes to the collaboration data" (See Page 4, [0051] where data validation tag is available for designing XML document and further, data validation is inherent in computer data operation, for example, transmission).

As per claim 17, Timmons teaches "updating the non-local collaboration data stored when a change to the locally stored collaboration data is valid" (See Page 17, [0198] where contents in user's frames are dynamically updated by the message received from another frame).

As per claim 18, Timmons teaches "allowing a user to keep interacting with the locally stored collaboration data during the updating" (See Page 17, [0198] where user exchange data in a portlet while sharing or updating data in other message portlets).

As per claim 19, Timmons teaches "displaying the collaboration data within a spreadsheet control" (See Page 7, [0082] where operation is performed to match user assigned labels to anchors, such as data objects from Excel spreadsheet).

As per claim 20, Timmons teaches "interacting with the locally stored collaboration data, further comprises performing at least one of the following operations, including: sorting, filtering, scrolling, pasting, and changing the locally stored collaboration data" (See Page 17, [0198] where user exchange data in a portlet while sharing or updating data in other message portlets).

As per claim 21, Timmons teaches "sending an error message to the user when the change to the locally stored collaboration data is invalid" (See Page 8, [0095] where messages are being exchanged between portlets or window containers).

Conclusion

6. The prior art made of record

   A. U.S. Patent Application 2005/0050021

6.1 The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

   B. U.S. Patent Application 2002/0026478

   C. U.S. Patent Application 2004/0267871

   D. U.S. Patent Application 2005/0027696

   E. U.S. Patent Application 2003/0058277

Contact Information

7. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kuen S Lu whose telephone number is (571) 272-

4114. The examiner can normally be reached on Monday-Friday (8:00 am-5:00 pm).

If attempts to reach the examiner by telephone pre unsuccessful, the examiner's

Supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for Page 13

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 886-217-9197 (toll-free).

Kuen S. Lu

Patent Examiner, Art Unit 2167

August 16, 2006